

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANDREW IAN FARMER,	§	
BOP # 14677-479	§	
Defendant/Movant,	§	CRIMINAL NO. 4:16-408-1
	§	
vs.	§	CIVIL ACTION NO. 4:22-4307
	§	
	§	
UNITED STATES OF AMERICA	§	
Plaintiff/Respondent.	§	

**UNITED STATES' FIRST MOTION FOR 30-DAY EXTENSION OF
TIME TO RESPOND TO FARMER'S 28 U.S.C. § 2255 MOTION**

The United States respectfully asks that this Court grant a 30-day extension of time for the Government to respond to Farmer’s 28 U.S.C. § 2255 motion, making the response due Thursday March 23, 2023. The United States asserts good cause is shown by undersigned counsel’s recent heavy case load. This is the United States’ first request for an extension of time to respond.

I. Status of the case.

Farmer has filed a 28 U.S.C. § 2255 motion in which he alleges that his trial counsel was ineffective in that counsel did not properly represent his interests during the sentencing phase of his case. This Court has

ordered the United States to respond to the motion by February 21, 2023. Farmer is currently incarcerated at Federal Correctional Institution El Reno in Oklahoma, where he is scheduled to be released in May of 2026. Because of his status as a prisoner, the United States has not communicated with him to ascertain whether he is opposed to this motion.

II. Basis for extension of time to file response.

The United States has reviewed Farmer's 28 U.S.C. § 2255 motion as well as begun its review of the underlying record, especially the sentencing hearing. Farmer, specifically, makes claims related to his sentencing, and the sentencing of several of his co-defendant's. Farmer admits his motion was filed more than one year after his conviction became final. Undersigned counsel requires more time to review the law and record related to both timeliness and Farmer's complaint to appropriately respond to his claim.

In the time since this Court ordered a respond to the § 2255 motion, counsel has been preparing and filing responses in the following cases:

1. *United States v. Joshua D. Ayala*, No. 22-CV-97-L (28 U.S.C. § 2255 response filed January 17, 2023),

2. *United States v. Dimas DeLeon Rios*, No. 22-CV-3186-H (28 U.S.C. § 2255 response filed February 2, 2023),
3. *Guthery v. Warden*, No. 22-CV-2665-H (28 U.S.C. § 2241 answer to be filed February 27, 2023),
4. *Tyrone Moore v. Warden*, No. 22-CV-257-C (28 U.S.C. § 2241 answer to be filed March 17, 2023).

In addition to these responses undersigned counsel has been significantly involved in trial assistance matters regarding a motion for reconsideration in *United States v. Manual Coutino-Marquez*, No. 21-CR-419-H (motion filed February 15, 2023). Further, counsel is assigned duty to interview candidates for summer internships with the United States Attorney's Office. This process involved reviewing dozens of applications, and conducting interviews. Finally, undersigned counsel is preparing for a sixty-day tour of duty in his role as a member of the Judge Advocate General Reserve Corps of the United States Air Force.

Counsel has begun in earnest to draft the Government's response to Farmer's 28 U.S.C. § 2255 motion and is cognizant of this Court's policy to promptly review *pro-se* petitions. Counsel makes this motion to ensure that justice is done and not for purposes of delay. Additional time will ensure that counsel can appropriately assist this Court in resolving the pending matter.

Accordingly, the United States respectfully asks that this Court grant a 30-day extension of time for the United States to file its response, that is, on or before Thursday, March 23, 2023.

Respectfully submitted,

ALAMDAR S. HAMDANI
United States Attorney

CARMEN CASTILLO MITCHELL
Chief, Appellate Division

/s/ Michael A. Hylden

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the *United States' Motion for 30-Day Extension of Time to Respond to 28 U.S.C. § 2255 Motion* was electronically filed with the United States District Court for the Southern District of Texas, on February 16, 2023. A true and correct copy of the document was placed in the outgoing mail, for delivery via certified mail, return receipt requested, to the last address of record for movant:

Andrew Ian Farmer
Reg. No. 14677-479
FCI El Reno
Federal Correctional Institution
El Reno, OK 73036

/s/ Michael A. Hylden
Michael A. Hylden
Assistant United States Attorney